



Resolution # HSRA 11-11

**Certification of the Bay Area to Central Valley High-Speed Train
Revised Final Program Environmental Impact Report
for Compliance with the California Environmental Quality Act (CEQA)**

Adoption of CEQA Findings of Fact and Statement of Overriding Considerations

Adoption of Mitigation Monitoring and Reporting Program

**Approval of the Pacheco Pass Network Alternative Serving San Francisco via San Jose
Preferred Alignment Alternatives and Station Location Options**

WHEREAS, pursuant to the California High-Speed Rail Act, Public Utilities Code section 185000, et seq., the California High-Speed Rail Authority ("Authority") was created in 1996 to implement a high-speed train system connecting California's major metropolitan areas.

WHEREAS, Section 185030 of the Public Utilities Code provides that the Authority shall direct the development and implementation of intercity high-speed rail service that is fully integrated with the state's existing intercity rail and bus network, and further directs that such an intercity high-speed rail network in turn shall be fully coordinated and connected with commuter rail lines and urban rail transit lines developed by local agencies, as well as other transit services, through the use of common station facilities whenever possible.

WHEREAS, pursuant to a Memorandum of Understanding between the California High Speed Rail Authority and the Federal Railroad Administration ("FRA"), the Authority and the FRA prepared a combined Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for compliance with the requirements of both the California Environmental Quality Act ("CEQA", Public Resources Code, section 21000, et seq.) and the National Environmental Policy Act ("NEPA");

WHEREAS, on November 2, 2005, by resolution No. 05-01, the Authority approved general alignments and station locations for further study in project-level environmental documents for much of the state, but directed staff to proceed with the preparation of a separate program level EIR to identify a preferred alignment within the broad corridor between and including the Altamont Pass and the Pacheco Pass for the HST System segment connecting the San Francisco Bay Area to the Central Valley;

WHEREAS, the Authority and FRA prepared and circulated a Bay Area to Central Valley High-Speed Train (HST) Draft Program EIR/EIS was prepared and circulated for public and agency comment in July 2007, was posted on the Authority's website and lodged in libraries across the state, and was the subject of eight public hearings by the Authority;

WHEREAS, the 2007 Draft Program EIR/EIS evaluates the potential environmental impacts of implementing the HST system between the San Francisco Bay Area and the Central Valley utilizing three basic types of network alternatives, including the Pacheco Pass, the Altamont Pass, and the Pacheco Pass with Altamont Pass (local service);

WHEREAS, the Authority and the FRA received over 400 letters and postcards commenting on the 2007 Draft Program EIR/EIS;

WHEREAS, the Authority and FRA prepared a Final Program EIR/EIS, which included responses to comments on the 2007 Draft Program EIR/EIS, and which identified the Pacheco Pass Network Alternative Serving San Francisco via San Jose as the preferred alternative for the HST System segment connecting the San Francisco Bay Area to the Central Valley;

WHEREAS, in July 2008, the Authority certified the Final Program EIR for compliance with CEQA, adopted CEQA findings of fact and overriding considerations and a mitigation monitoring and reporting program, and approved the Pacheco Pass Network Alternative Serving San Francisco via San Jose for further study in project-level environmental documents;

WHEREAS, the Authority's compliance with CEQA was challenged in the litigation *Town of Atherton, et al., v. California High-Speed Rail Authority*, Sacramento Superior Court No. 34-2008-80000022;

WHEREAS, as a result of that litigation, the Superior Court entered a final judgment requiring the Authority to undertake additional efforts to comply with CEQA for certain topics identified in the final judgment before making a new decision on a preferred alternative;

WHEREAS, in December 2009, the Authority rescinded its certification of the 2008 Final Program EIR/EIS, its approval of the Pacheco Pass Network Alternative Serving San Francisco via San Jose; and related approvals;

WHEREAS, the Authority prepared and circulated a Revised Draft Program EIR to comply with the final judgment in the *Town of Atherton* litigation, circulated it for 45 days, between March 11, 2010, and April 26, 2010; made the document available on its website, and provided notice through newspapers and mailed notice to more than 50,000 individuals and entities;

WHEREAS, the Authority received more than 500 written comment letters and received public testimony from more than 50 individuals, comprising more than 3700 comments;

WHEREAS, the Authority prepared a Revised Final Program EIR, which includes main text, responses to comments, and the 2008 Final Program EIR;

WHEREAS, the Authority posted the Revised Final Program EIR on its website on August 20, 2010; made printed copies available in local libraries on August 23, 2010; mailed electronic copies to approximately 700 individuals and entities that commented on the Revised Draft Program EIR and provided a mailing address; and provided mailed notification of the Revised Final Program EIR to more than 50,000 individuals and entities with direction on how to access a copy of the document;

WHEREAS, prior to taking action, the Authority has reviewed, and considered, among other items: (1) the Revised Final Program EIR, which includes the 2008 Final Program EIR; (2) the entire record before the Authority when it made its July 8, 2008, decisions; (3) all information and data in technical documents supporting the Revised Final Program EIR; (4) the entire body of public comment submitted to the Authority, including that contained in Volume 2 of the 2010 Revised Final Program EIR and Volume 2 of the 2008 Final Program EIR; (5) all verbal and written public comments and evidence presented to it; and (6) the proposed CEQA Findings of Fact and Statement of Overriding Considerations and proposed Mitigation Monitoring and Reporting Program.

WHEREAS, the Revised Final Program EIR, and the proposed CEQA Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, reflect the independent judgment of the Authority and are deemed adequate for purposes of making decisions on a preferred alignment for the HST System segment to connect the San Francisco Bay Area to the Central Valley;

WHEREAS, the Authority has considered the environmental effects of the Pacheco Pass Network Alternative Serving San Francisco via San Jose as presented in the Revised Final Program EIR and finds that with the inclusion of the described design practices and mitigation strategies, as further discussed in the attached CEQA Findings of Fact, the potential adverse impacts of the preferred network alternative will be avoided, reduced and minimized to the extent feasible and that the feasible mitigation strategies identified at the program-level of analysis will be applied and refined at the project level to further avoid and reduce impacts; and that additional mitigation measures will be considered as part of the CEQA process for the project-level EIRs that will be prepared; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have been fulfilled;

NOW, THEREFORE, IT IS RESOLVED by the California High-Speed Authority as follows:

Section 1. Certification of Revised Final Program EIR. The Authority hereby certifies that:

- (a) the Revised Final Program EIR has been completed in compliance with CEQA and the final judgment in the *Town of Atherton* case;

- (b) the Revised Final Program EIR has been presented to the Authority Board and the Board has reviewed and considered the information contained in the Revised Final program EIR prior to approving the project; and
- (c) the Revised Final Program EIR reflects the Authority's independent judgment and analysis.

Section 2. Approval of CEQA Findings of Fact. As the decision-making body for the High-Speed Train system, the Authority has reviewed and considered the information contained in the Revised Final Program EIR and in the CEQA Findings of Fact attached hereto as Exhibit "A" and supporting documentation. The Authority determines that the CEQA Findings of Fact contain a complete and accurate reporting of the environmental impacts and mitigation strategies associated with the Pacheco Pass Network Alternative serving San Francisco via San Jose, including preferred alignment alternatives and station location options as described in Chapter 7 of the Revised Final Program EIR. The Authority further finds that the CEQA Findings of Fact have been completed in compliance with CEQA and the State CEQA Guidelines. The Authority hereby approves and adopts the CEQA Findings of Fact attached hereto as Exhibit "A".

Section 3. Approval of Statement of Overriding Considerations. The Authority hereby finds that the Statement of Overriding Considerations was completed in accordance with Public Resources Code section 21081 and State CEQA Guidelines Section 15093, subdivision (a), which states that CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. The Statement of Overriding Considerations is included in the Findings of Fact attached hereto as Exhibit "A" and sets forth those significant effects on the environment that are found to be unavoidable, but are acceptable due to the overriding concerns and benefits expected to result from implementing the Pacheco Pass Network Alternative with San Francisco and San Jose Termini as part of the statewide HST System. The Authority hereby approves and adopts the Statement of Overriding Considerations included in the Findings of Fact attached hereto as Exhibit "A".

Section 4. Adoption of Mitigation Monitoring and Reporting Program. Pursuant to Public Resources Code section 21081.6, and State CEQA Guidelines Section 15091, subdivision (d), the Authority hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit "B".

Section 5. Approval of the Pacheco Pass Network Alternative serving San Francisco via San Jose, Preferred Alignments, and Preferred Station Location Options. Based on and in consideration of all of the foregoing, the Authority hereby approves the preferred network alternative identified in Chapter 7 of the Revised Final Program EIR as the Pacheco Pass Network Alternative serving San Francisco via San Jose to connect the San Francisco Bay Area with the Central Valley, along with, and as conditioned by, the design practices and mitigation strategies, which are described in the Findings of Fact attached hereto as Exhibit A and reflected in the Mitigation Monitoring and

Reporting Program attached hereto as Exhibit B, and which shall be incorporated into and be a part of the approved preferred network alternative.

Section 6. Next Steps. The Authority hereby directs staff to file a Notice of Determination with the State Clearinghouse and to take any other necessary steps to complete the programmatic CEQA process. Based on its consideration and approval of the Pacheco Pass Network Alternative serving San Francisco via San Jose for the HST System, and the preferred alignments and station location options it has identified within this network alternative, the Authority hereby authorizes staff to proceed with the next steps in the environmental review process and the implementation planning for the Pacheco Pass Network Alternative serving San Francisco via San Jose.

CERTIFICATION

The undersigned Chief Executive Officer, or his designee, of the California High-Speed Rail Authority does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California High-Speed Rail Authority held on September 2, 2010.

Dated:

Roelof van Ark
Chief Executive Officer

Vote: 7:0
Date: September 2, 2010

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